



Chemical Waste Management, Inc.

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**OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V**

February 27, 1995

FOR DELIVERY BY MESSENGER FEBRUARY 27, 1995

Mr. Jonathan Adenuga
Technical Enforcement Section 2
United States Environmental Protection Agency
RCRA Enforcement Branch, HRE-8J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: **CWM - Chemical Services, Inc. (CWM-CS)**
ILD 000 672 121
RFI Project Coordinator/HRE-8J

Dear Mr. Adenuga:

Five (5) sets of the five (5) volume Final RCRA Facility Investigation Report for the subject facility are enclosed. This document has been revised to reflect the amendments referenced in CWM-CS's August 19, 1994 letter to the Agency. Volume 5 of the Report provides a list of CWM-CS's issues which remain to be resolved with the Agency. The list consists of CWM-CS's responses to the Agency's June 3, 1994 and January 5, 1995 letters.

In accordance with Mr. Brian Clarke's, Chemical Waste Management, Inc. letter dated February 15, 1995 to Mr. Thomas Turner, U.S.EPA; CWM-CS considers that upon submittal of this document to the Agency, the Agency has made a preliminary, written determination as to the need for a CMS pursuant to paragraph IV(H) of the Consent Judgment. Within 30 days of this submittal date (February 27, 1995), CWM-CS shall submit written comments on the preliminary determination to U.S.EPA.

CWM-CS has devoted a significant amount of time to this project. The original workplan was submitted to the Agency in 1988 and a Final RCRA Facility Investigation Report was furnished in November 1993. When necessary CWM-CS undertook activities beyond the scope of the workplan to supplement the information being gathered. This effort resulted in the submission of a high quality document which required minimal revision to finalize.

Several major areas of concern exist and resolution of these issues is necessary to contribute to the utility of the document in the future. Below are some of the most significant issues that are worthy of note.

ISSUE: Sand Seams

In a April 6, 1993 letter, U.S.EPA comments: "U.S.EPA continues to maintain that CWM's conclusions that sand seams are discontinuous is not supported by variations of hydraulic conductivity alone and neither does lithologic variations as asserted by you." The Agency's position is most recently summarized in their January 5, 1995 correspondence. "U.S.EPA does not believe that CWMCS has provided enough data to conclusively support the hypothesis that sand seams are discontinuous."

Relevance:

The relevance and concern for resolving this issue at this phase of the project is to establish the scope of future activities.

Discussion:

CWM-CS never relied solely on variations in hydraulic conductivity or lithologic variations to conclude the sand seams are discontinuous. The Agency approved project workplan was followed and a major effort undertaken at CWM-CS's initiative to further define the sand seams. This information has been shared with the Agency and CWM-CS's August 19, 1994 response to the Agency provides five (5) pages of narrative detailing the basis for concluding the sand seams are discontinuous. It remains the professional opinion of CWM-CS's consultant, Dames & Moore, that the sand seams are discontinuous. The Agency's observations on this issue are generally non-specific.

Recommendation:

U.S.EPA should carefully consider the information that has been furnished on this issue. If specific shortcomings exist, they should be identified.

ISSUE: Supplemental Human Health Risk Assessment (SHHRA)

CWM-CS submitted a Human Health Risk Assessment as an appendix to the investigation report. The Agency prepared the Supplement Human Health Risk Assessment without furnishing comments on the Human Health Risk Assessment prepared by CWM-CS. The Agency's June 3, 1994 letter comments: "Our review of your January 11, 1994, Human Health Risk Assessment report have identified a very serious shortcoming." To this date the "very serious shortcoming" has not been identified.

Relevance:

The Agency's SHHRA assumes violation of good operating practices and violation of OSHA regulations to calculate a level of risk which is unacceptable to the Agency. Further concerns, such as the use of screening techniques to reach conclusions requiring more complex techniques, inconsistencies with other Agency comments, etc.; have been shared with the Agency and would require substantial revision to the SHHRA.

The Consent Order directs the Agency to furnish comments on CWM-CS's work product. In lieu of commenting, the Agency directed its consultant to prepare an important section of the investigation report and then demands that the information without correction be incorporated into the report.

Discussion:

CWM-CS has shared with the Agency concerns relating to the SHHRA. Specifically, the Agency's risk assumption requires that standard operating practices and OSHA regulations be ignored to achieve the level of risk indicated in the Agency's document.

The Agency, as recently as the January 5, 1995 correspondence, remains insistent that this document be included, without amendment, into the Final RCRA Facility Investigation report prepared by Dames and Moore.

Recommendation:

Assumptions in the Agency's SHHRA cannot be supported. Unfortunately, these assumptions are fundamental to the Agency's conclusions. CWM-CS recommends that the SHHRA be shelved.

ISSUE: Surface Water and Sediment Impacts

Investigation of surface water and sediment conditions at the facility were undertaken in accordance with the Agency approved work plan. This effort involved a two phase collection of water and sediments from Lake Calumet. The first phase broadly defined conditions while the second phase utilized the results of the first phase to focus on potential areas of concern.

Relevance:

This issue must be resolved to establish the scope for future activities.

Discussion:

A significant effort was undertaken to provide highly accurate analytical data for this program. A review of the CWM-CS data by the Agency's risk assessment contractor concluded that exposure to surface water was not evaluated primarily because very little contamination was detected in surface water during the RFI. Further, the risk assessor concludes that there may be no significant carcinogenic risk from exposure to sediment at the facility under the exposure scenarios considered. The Agency essentially agrees with this observation by concluding that contaminants are mostly not detectable by current technology due to infinite dilution.

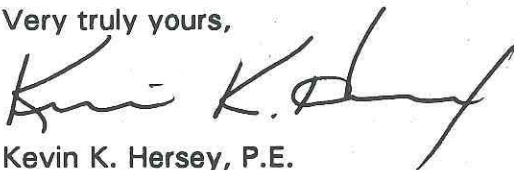
Recommendation:

Recognizing that the investigation involved assessing the impacts of contaminants placed in the pier area (immediately adjacent to Lake Calumet) approximately 20 years ago by previous facility operators, any discharge of materials to Lake Calumet that may be occurring is generally not measurable by current technology. Further there is no reason to believe that the conditions will deteriorate in the future. There is no reason to consider Lake Calumet as a part of any future CMS activity.

The foregoing represents major concerns associated with the Agency's observations and comments. These issues relate directly to establishing a CMS scope.

If additional information is required, please contact the writer at (708)218-1652.

Very truly yours,



Kevin K. Hersey, P.E.
Senior Environmental Engineer

KKH/ss
Enclosures

cc: Joseph Boyle / U.S.EPA w/o
Brian Clarke w/o
Jim Doyle w/o
Bob LaBoube w/o
Jules Selden/Clean Harbors
Dave Trainor Dames & Moore, Madison w/o
Tom Turner/ U.S.EPA w/o